

## **Overview of Proposed Changes for New Single Family Residences and Non-Conforming Structures**

### **New Single Family Residences**

New single family residences are currently allowed to be constructed within the shorelines of King County, subject to 35 feet maximum height and setbacks from the ordinary high water mark or floodway. No floating homes are allowed within King County's shoreline jurisdiction. Residential accessory structures cannot exceed eight feet in height and 150 square feet in size, and may not obstruct neighbors' views. Most single family residences are exempt from the requirement to obtain a Shoreline Substantial Development Permit, however King County does require the applicant to obtain a shoreline exemption.

King County's critical area regulations also apply to the shoreline jurisdiction and establish a buffer of between 115 feet and 165 feet from the ordinary high water mark. These buffer requirements replace the smaller shoreline setbacks established under the existing Shoreline Master Program.

King County is proposing to standardize its shoreline regulations by replacing the existing shoreline setback requirements with the critical area buffer requirements. This is also necessary in order to comply with state law, which requires that King County's regulations of the shoreline be as protective as its critical area regulations.

Shoreline setbacks are replaced with the aquatic area buffers from the Critical Areas Ordinance. These are 115 feet from the Ordinary High Water Mark inside the Urban Growth Area and 165 feet from the Ordinary High Water Mark outside the Urban Growth Area.

King County is proposing to allow trails to be constructed through wetland buffers or aquatic area buffers to the edge of a wetland or the ordinary high water mark of a shoreline. Private trails would be limited to three feet in width and covered with pervious material such as wood chips. King County would require that impacts to critical areas be avoided and minimized. Mitigation would be required to ensure that there is no net loss of ecological function.

Existing Shoreline Master Program requirements concerning the height of single family residences in High Intensity, Shoreline Residential and Rural Environments would be retained.

Those standards allow taller structures if the view of a substantial number of residences would not be obstructed. Residence height in the Natural Environment could not exceed 30 feet.

New residential development in the Natural Environment would require a Shoreline Conditional Use Permit.

### **Nonconforming Structures**

Nonconforming uses, such as an existing residence located within shoreline setbacks, can currently be altered or reconstructed as long as the modifications do not make the use more nonconforming. However, if a nonconforming use is damaged or destroyed by more than 50 percent of its fair market value, it can only be reconstructed insofar as it is consistent with existing regulations.

For example, under the existing Shoreline Master Program, a residence on Vashon built many years ago, located 10 feet from the edge of a bulkhead and the ordinary high water mark of Puget Sound, could not be replaced in the same location if it was destroyed by fire and the loss was more than 50 percent of the structure's fair market value.

King County is proposing to use the same standards in the shoreline jurisdiction that it uses in its critical area regulations to regulate non-conforming structures. Existing structures, both residential and non-residential, located within aquatic area buffers or wetland buffers may be repaired or replaced. However, if a nonconforming use, structure, or improvement located in the shoreline is damaged or destroyed by more than 50 percent of its fair market value, must comply with current regulations if it is reconstructed.

In addition, King County is proposing to allow the footprint of an existing residence and other residential structures located within critical area buffers to be expanded by up to 1,000 square feet. In the Natural Environment, expansion of a residential structure in an aquatic area buffer or wetland buffer would require a Shoreline Conditional Use Permit. King County would require that impacts to critical areas be avoided and minimized. Mitigation would be required to ensure that there is no net loss of ecological function.

Expansion of non-residential structures located in critical area buffers is not generally allowed.

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